

Remarks/Arguments:

In the specification, the paragraphs [0003], and [0007] have been amended to add the phrase "or other visual indicia" after the term trademark. Specifically, this addresses the fact that a trademark, in addition to applying to a word or design, can also apply to a sound or smell. The applicant, in employing the term "trademark" contemplated the use of the pugilist mat for the display visual images. This amendment to the specification finds support in paragraph [0003], where it is stated, "there exists a need for a way to expand the opportunities for displaying trademarks." It is not new matter to make explicit that which is implicit. Thus, the amendment to the specification adds no new matter.

In the office action, the examiner notes that claims 1-24 are pending in the application. Claims 8, 11-14, and 16-18 have been allowed. Claims 1-4, 7, 9, 10, 15, 19-24 currently stand rejected. Specifically, claims 2-4, 9, 10, 15, and 19-24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1-3 and 7 are rejected under 35 U.S.C. §103(a) over the prior art acknowledged in second paragraph on page 1 of the specification in view of Sullens, et al. Claims 5 and 6 are objected to as depending from a rejected claim, but would be allowable if amended to incorporate the features of the base claim and all intervening claims. In response to the present Office Action, the applicant has amended claims 1-3, 9-10, and 19-20, and cancelled claims 4 and 15. Thus, upon entry of this response, claims 1-3, 5-14, and 16-24 are pending.

Applicant gratefully acknowledges the courtesy of the telephone interview between Examiner Banks and undersigned counsel on August 27, 2003. Following the arguments advanced during the interview, it is believed that the present amendments to the claims generally conform the application to overcome the objections and rejections, and that agreement was

reached with the examiner regarding the allowance of the application. The applicant respectfully requests that the examiner reconsider this application in view of the claim amendments made above and the following remarks.

Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 2-4, 9, 10, 15, and 19-24 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the examiner has noted the use of the term "trademark" renders the claims indefinite. As per the telephone interview between the examiner and the undersigned, the applicant has amended claims 2, 3, 9, 10, 19, and 20 by replacing the word(s) "trademark" or "a trademark" with "indicia" or "an indicia" to remove any indefiniteness. The amendment is supported by paragraph [0003] of the specification where it states, "there exists a need for a way to expand the opportunities for displaying trademarks." The word display contemplates visual images, and thus no new matter has been added. Claims 21-24 depend from claim 19, which has been amended. Thus, following amendment, claims 2, 3, 9, 10, and 19-24 overcome the prior rejection. Claims 4 and 15 have been cancelled and no longer under consideration.

Rejection Under 35 U.S.C. §103(a)

Claims 1-3 and 7 are rejected under 35 U.S.C. §103(a) as unpatentable over the well known art acknowledged by the applicant in the second paragraph on page 1 of the specification in view of Sullens, et al. As per agreement reached during the telephone interview, claim 1 has been amended to incorporate the limitation previously found in dependent, and allowable, claim 4. The amendment to claim 1 does not present any new material. Thus, claim 1 and claims 2, 3 and 7 depending from claim 1, should overcome the prior rejection under §103(a).

Objections

Claims 5 and 6 are objected to as being dependent upon a rejected base claim. Claim 1 has been amended as noted above, and is now allowable. Thus, the objection to claims 5 and 6 should be withdrawn.

The foregoing amendments place the case in condition for allowance, raise no new issues and present no new matter. Accordingly, Applicant respectfully requests further examination of the application, as amended, reconsideration of the objections and rejections, and allowance of the application.

The Commissioner is authorized to charge any fees associated with this communication to deposit account 501285. If the Examiner has any questions or comments regarding this communication, the undersigned can be contacted to expedite the resolution of this application.

Respectfully submitted,



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